

1 AN ACT in relation to air transportation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Aeronautics Act is amended by
5 adding Sections 46.1, 46.2, 46.3, 46.4, 46.5, 46.6, 46.7, and
6 46.8 as follows:

7 (620 ILCS 5/46.1 new)

8 Sec. 46.1. Air schools must be licensed.

9 (a) A person may not operate an air school in this State
10 unless the person holds an annual license issued by the
11 Department.

12 (b) Upon receipt of an application and a \$25 license fee
13 from an air school, the Department must review the
14 qualifications of the applicant.

15 (c) An air school license expires one year from date of
16 issuance, unless surrendered, suspended, or revoked before
17 that date, or upon the sale or transfer, by the owner, of the
18 property, equipment, or franchise of the air school.

19 (d) The annual air school license renewal fee is \$10 and
20 is payable from the original date of issuance. An applicant
21 must file an initial application and pay the initial
22 application fee if the license is not renewed before its
23 expiration.

24 (e) A change in the name of the air school, without
25 change in ownership, does not void a current license if the
26 owner of the air school notifies the Department in writing
27 within 15 days of the change. Upon receipt of notification
28 under this subsection, the Department must issue a license
29 under the new name, with the same expiration date as the
30 license previously issued.

31 (f) An air school operating facilities at more than one

1 airport must obtain a license for each location.

2 (g) The air school license must be posted in the
3 principal office of the air school, where it may be readily
4 observed by the general public.

5 (h) The requirements of this Section, and the following
6 Sections preceding Section 47, for an air school are
7 conditions of the license. Failure to comply with any of
8 these requirements is grounds for revocation of an air
9 school's license.

10 (i) A person who violates this Section or any of the
11 following Sections preceding Section 47, except as provided
12 in Section 46.8, is guilty of a Class B misdemeanor
13 punishable by imprisonment for not more than 90 days, a fine
14 of not more than \$500, or both.

15 (620 ILCS 5/46.2 new)

16 Sec. 46.2. General requirements for air school operation.

17 (a) An air school must conduct itself in accordance with
18 all applicable federal and State statutes and rules and all
19 applicable local ordinances.

20 (b) An air school must be operated from an airport
21 properly licensed by the Department.

22 (c) An air school operator must obtain from the airport
23 manager a written agreement to operate commercially from the
24 airport at which the air school is based.

25 (d) Each air school student must be advised in writing
26 at the time of enrollment of the type and amount of insurance
27 coverage provided for each aircraft used by the air school.

28 (e) An air school must provide a suitable space of
29 permanent nature that is properly heated, lighted, and
30 ventilated to accommodate air school students and to house
31 adequate equipment necessary to properly conduct business
32 matters and to prepare and preserve business records. The
33 facilities described in this subsection must be located at

1 the licensed airport site.

2 (620 ILCS 5/46.3 new)

3 Sec. 46.3. Requirements for air school aircraft.

4 (a) Each aircraft to be used for purposes of air
5 instruction at an air school must comply with all of the
6 following:

7 (1) Possess a valid airworthiness certificate
8 issued by the Federal Aviation Administration.

9 (2) Be properly registered with the Department.

10 (3) Have the equipment and performance
11 characteristics appropriate to the curriculum and to the
12 airport to be used.

13 (b) All aircraft used in any air school operation must
14 be operated in accordance with Federal Aviation
15 Administration maintenance regulations and standards.
16 Adequate records must be kept by the school to demonstrate
17 performance of all required items of maintenance. The
18 maintenance status of each aircraft, including discrepancies,
19 must be displayed by the school in a manner adequate to
20 determine compliance.

21 (620 ILCS 5/46.4 new)

22 Sec. 46.4. Air instruction requirements.

23 (a) An air school must have an aeronautics instructor
24 available to dispatch and supervise each student pilot solo
25 flight.

26 (b) An air school must have a written curriculum,
27 including lesson plans, adequate to properly qualify the
28 student to complete the particular course for the certificate
29 or rating sought. An air school must also include lessons
30 pertaining to this Act and to other statutes and rules of
31 this State relating to aviation.

32 (c) An air school must make available to students

1 current texts and reference material pertaining to the
2 certificate or rating sought.

3 (d) An air school must provide adequate air instruction
4 to properly qualify a student completing its courses for the
5 appropriate Federal Aviation Administration examination
6 covering the certificate or rating sought.

7 (e) An air school must maintain training records
8 adequate to show each student's progress and level of
9 completion relative to the course of air instruction in which
10 the student is enrolled. These records must be made available
11 for inspection by any authorized representative of the
12 Department.

13 (f) A copy of the airport and air school rules must be
14 made available to the students enrolled in the school for
15 information and guidance.

16 (g) An air school must designate a practice area.

17 (620 ILCS 5/46.5 new)

18 Sec. 46.5. Air school advertising requirements.

19 (a) An air school or its representatives and
20 instructors may not make false claims of any kind pertaining
21 to either air instruction or employment following air
22 instruction.

23 (b) Only a licensed air school may advertise air
24 instruction.

25 (620 ILCS 5/46.6 new)

26 Sec. 46.6. Air school bonding requirements.

27 (a) An air school accepting prepayment equal to or in
28 excess of \$1,000 must file with the Department a corporate
29 surety bond payable to the State of Illinois in the sum of
30 \$5,000, conditioned on the faithful performance of all
31 contracts and agreements with students made by the air school
32 or its agent. The aggregate liability for the surety for all

1 breaches of conditions of the bond may not exceed the
2 principal sum of \$5,000.

3 (b) The surety of any bond may cancel the bond upon
4 giving 60 days' notice in writing to the Department and the
5 air school. If a bond is canceled in compliance with this
6 Section, the surety is relieved of liability for any breach
7 of conditions occurring after the effective date of
8 cancellation.

9 (620 ILCS 5/46.7 new)

10 Sec. 46.7. Air school records checking requirements.

11 (a) An air school must request from the Department of
12 State Police a criminal history check and criminal records
13 check through the Federal Bureau of Investigation on any
14 applicant for training at the air school. The applicant must
15 cooperate with the air school in completing the criminal
16 history check and criminal records check through the Federal
17 Bureau of Investigation.

18 (b) An air school may not enroll, or must terminate the
19 enrollment of, an applicant if any of the following occurred
20 to the applicant within the preceding 7 years:

21 (1) Was convicted of a felony.

22 (2) Was incarcerated for a felony conviction.

23 (3) Was on probation or parole for a felony
24 conviction.

25 (625 ILCS 5/46.8 new)

26 Sec. 46.8. Air school applicants' records.

27 (a) Except as provided in subsections (c) and (e), as a
28 condition of enrollment of an applicant in an air school, the
29 air school must request from the Department of State Police a
30 criminal history check and a criminal records check through
31 the Federal Bureau of Investigation on the applicant and,
32 before enrolling the applicant, must have received from the

1 Department of State Police the report described in subsection
2 (h).

3 (b) An air school must require the applicant to submit
4 his or her fingerprints to the Department of State Police for
5 the criminal history and criminal records checks. The air
6 school may charge the air school applicant a fee for the
7 criminal history check and the criminal records check. The
8 Department of State Police may charge a fee for the criminal
9 history check and the criminal records check.

10 (c) The air school may enroll the applicant as a
11 conditional student under this subsection without first
12 receiving the report described in subsection (h) if all of
13 the following apply:

14 (1) The air school requests the criminal history
15 and criminal records checks required under subsection (a)
16 before conditionally enrolling the applicant.

17 (2) The applicant signs a statement that identifies
18 all crimes of which he or she has been convicted, if any,
19 and agreeing that, if the report described in subsection
20 (h) is not the same as the applicant's statement, his or
21 her enrollment contract is void. If the statement of
22 convictions includes any of the circumstances described
23 in Section 46.7, the enrollment contract is void.

24 (d) If an applicant is enrolled as a conditional student
25 under subsection (c) and the report described in subsection
26 (h) is not the same as the applicant's statement under
27 subsection (c), the air school must void the applicant's
28 enrollment contract. If the contract is voided under this
29 subsection, the applicant's enrollment is terminated and the
30 air school is not liable for the termination or any money
31 paid toward enrollment.

32 (e) If an applicant for enrollment is being considered
33 for enrollment by more than one air school and if the
34 applicant agrees in writing to allow an air school to share

1 the report described in subsection (h) with another air
2 school, the air school may satisfy the requirements of
3 subsection (a) by obtaining a copy of the report described in
4 subsection (h) from another air school.

5 (f) An applicant described in subsection (a) must give
6 written consent at the time of application for the Department
7 of State Police to conduct the criminal history and criminal
8 records check required under this Section.

9 (g) An air school must make a request to the Department
10 of State Police for a criminal history and criminal records
11 check required under this Section on a form and in a manner
12 prescribed by the Department of State Police.

13 (h) Within 30 days after receiving a proper request by
14 an air school for a criminal history and criminal records
15 check on an applicant under this Section, the Department of
16 State Police must conduct and initiate the criminal history
17 and criminal records check and, after conducting the criminal
18 history and criminal records check and within that time
19 period, provide a report of the results of the criminal
20 history and criminal records check to the air school. The
21 report must contain any criminal history record information
22 on the applicant maintained by the Department of State Police
23 and include information regarding the criminal records check
24 of the records of the Federal Bureau of Investigation.

25 (i) Criminal history and criminal records information
26 received from the Department of State Police under subsection
27 (h) may be used by an air school only for the purpose of
28 evaluating an applicant's qualifications for enrollment in
29 the position for which he or she has applied and for the
30 purposes of subsection (d). An air school may not disclose
31 the report or its contents to any person who is not directly
32 involved in evaluating the applicant's qualifications for
33 enrollment. A person described in subsection (e), however,
34 may provide a copy of the report under subsection (h)

1 concerning the individual to an appropriate representative of
2 another air school.

3 (j) A person who violates this Section is guilty of a
4 Class C misdemeanor punishable by imprisonment for not more
5 than 30 days, a fine of not more than \$500, or both.